

Remarks

Claims 1-13, 15-17, and 20-85 are pending in the application. Claims 5, 10, 11, 13, 21-23, 58, and 59 have been amended. Claims 14 and 18 have been canceled. Claim 19 was canceled in Amendment A. The specification has been amended to include the claim for domestic priority under 35 USC 365(c) and 35 USC 120; to remove pages associated with examination of the PCT application; and to provide generic description of Mylar. Reconsideration of the application, as amended, is requested. No new matter has been added by virtue of this amendment.

Priority

The examiner stated that the PCT application was relied upon in the instant application for foreign priority rights and that since more than 12 months elapsed after the prior provisional was filed no benefit of the provisional application can be afforded. The examiner also stated that a certified copy of the PCT application is needed.

Applicant has amended the specification to claim the present application as a continuation of the PCT application under 35 USC 365(c). Thus, the applicant claims domestic priority under 35 USC 120. Now the benefit of the provisional application can be afforded. In addition, since domestic priority rights are claimed a certified copy of the PCT application is no longer needed.

Specification

Pages 26 and 27 of the specification have been deleted as requested by the Examiner.

The specification has been amended to provide the generic term for Mylar and to provide a source for the Mylar, as requested by the Examiner.

Claim Rejections--35 U.S.C. § 112

The Examiner rejects claims 11 and 23 as containing the trademark/trade name "Mylar." This word has been deleted from the claims. Therefore the rejection of claims 11 and 23 under 35 U.S.C. § 112 has been traversed.

Claim Rejections--35 U.S.C. § 102

The Examiner rejects claim 58 under 35 U.S.C. § 102(b) as being anticipated by Damrath. Claim 58, as amended, states:

932-CAL

Page 19 of 22

09/884,828

58. A gas flow controller comprising a valve having a first electronically controlled flow control mechanism and a second electronically controlled flow control mechanism, **said second electronically controlled flow control mechanism of a different type from said first electronically controlled flow control mechanism**, wherein both said first electronically controlled flow control mechanism and said second electronically controlled flow control mechanism can be used together to provide less gas than said first electronically controlled flow control mechanism can provide alone while providing more than zero gas, **wherein said second electronically controlled mechanism is capable of stopping and starting flow of gas external to said valve.**

Applicant would respectfully ask the Examiner to consider that claim 58 includes the limit, "a first electronically controlled flow control mechanism and a second electronically controlled flow control mechanism of a different type from said first electronically controlled flow control mechanism." Damrath has "the gas flow Q passes through a number n of control units connected in series in the gas supply pipe each of which has a throttle element to reduce the gas flow passing through it and a switching element connected in parallel with the throttle element for switching a bypass for the throttle element on and off, and the switching elements are switched on and off according to the required heating power" (column 3, lines 27-34).

Furthermore, as Damrath explains:

In the embodiment according to FIG. 5 three throttle elements 15, 25 and 35 are connected in series in the gas supply pipe 1. **The throttle resistances of the individual throttle elements are preferably different.** They may be dimensioned, for example, in such a way that the gas flow fed to the burner nozzle 3 of the burner 2 via the burner supply pipe 5 is reduced to 3/4 or 1/2 or 1/4 by switching on a throttle element in each case. When two or three throttle elements are switched on, the gas flow is reduced to a fraction of the maximum gas flow determined by the product of the above-mentioned proportions. (Column 10, lines 4-14).

Thus, in Damrath, while the throttle resistances are preferably different, possibly by having different dimensions, all the mechanisms are the same.

Furthermore, applicant would respectfully ask the Examiner to consider that claim 58 includes the limit, "**wherein said second electronically controlled mechanism is capable of stopping and starting flow of gas external to the valve.**" While Damrath has switches that open and close, these switches merely allow the gas to either bypass or go through his throttle elements. Thus, they are not capable of stopping or starting the flow of gas external to his system; they can merely increase or decrease the flow rate external to the system of valves. Damrath does not have an electronically controlled mechanism in any of his throttles or switches that is capable of stopping and starting flow of gas external to his system, as provided for the valve of claim 58. Therefore the

rejection of claim 58 under 35 U.S.C. § 102 has been traversed.

Claim Rejections–35 U.S.C. § 103

The Examiner rejects claim 13, 15-17, and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over Franchi in view of Frasnetti. The Examiner states that claim 19 is objected to and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 13 to include the limits of claims 18 and 19. Thus, the rejection of claim 13 and claims dependent thereon under 35 U.S.C. § 103(a) has been traversed. Also, claims 23, 24, and 63, which are dependent on claim 13, as amended, are also allowable.

The Examiner rejects claim 59 under 35 U.S.C. § 103(a) as being unpatentable over Frasnetti in view of Meslif.

Claim 59, as amended, provides:

59.

- a) electronically energizing an igniter;
- b) providing a microcontroller and a valve, said valve comprising a modulating portion and a time based sequencer portion;
- c) electronically setting a level to said modulating portion, wherein said modulating portion can be set in a range of levels to provide a range of flow rates, wherein said microcontroller is connected to provide a signal for said electronic setting; and
- d) electronically setting said time based sequencer portion to provide a selected BTU output level, wherein said sequencer is capable of stopping and starting flow of gas, wherein said microcontroller is connected to provide a signal for said stopping and for said starting.

Applicant would respectfully ask the Examiner to consider that claim 58 includes the limit, "providing a microcontroller and a valve, said valve comprising a modulating portion and a time based sequencer portion." Neither Frasnetti nor Meslif, individually or in combination teach or suggest providing a valve having the two portions. Nor do the references individually or in combination teach or suggest having a microcontroller controlling both portions as provided in elements (c) and (d). Both Frasnetti and Meslif only provide control over duty cycle. There is no teaching or suggestion to provide a modulation portion in addition to the duty cycle portion. Thus, the rejection of claim 59, and claim 60 dependent thereon, under 35 U.S.C. § 103(a) has been traversed.

It is believed that the claims are in condition for allowance. Therefore, applicant respectfully requests favorable reconsideration. If there are any questions please call applicant's attorney at 802 864-1575.

Respectfully submitted,



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